



LOUISIANA PUBLIC DEFENDER BOARD
MEMO

To: The Board
From: Jean M. Faria, State Public Defender
Re: State Public Defender Report (June and July)
Date: July 30, 2010

BUDGET DIVISION

Interviews with four candidates for the Budget Officer position are scheduled for Wednesday, August 11, 2010. Chair of the Budget Committee, Ms. LeDoux and the State Public Defender will conduct the first round of interviews. It is our intention to have a candidate for the Board's approval at the August meeting.

CAPITAL DIVISION

In addition to reviewing and monitoring expert witness funding requests, meeting concerning capital conflict panels contracts, and working with the Training Director in soliciting attendees for the upcoming capital training, the Capital Division has continued to disseminate information concerning the opening for a Capital Case Coordinator, so far with very few applications having been submitted.

On June 24-26, as Acting Capital Case Coordinator, Compliance Officer Di Giulio participated in the "bring your own case" training produced under a grant by Training Director Kilborn. He also appeared in court in Lafourche, as per court order, to assure the representation of four Mexican nationals charged with capital murder.

COMPLIANCE DIVISION

Compliance Officer Di Giulio monitored and appeared when necessary before legislative committees, attended numerous meetings with staff and District Defenders concerning contracts between the Board and District Defenders, continued working on performance assessment protocols and instruments, and attended Budget Committee meetings for discussion of overhead and salary issues. He also attended the LSBA Criminal Justice Summit and participated as a panel member; participated in phone conferences with Orleans defenders in order to assist in

current issues; participated in meeting of the Assistant Defender Advisory Committee, to promote input and cooperation with line defenders; and, he participated in interviews of judges and others in the 14th Judicial District in conjunction with BJA consultant Ernie Lewis who conducted a site visit of the district office during the week of June 28-July 2.

JUVENILE DIVISION

During the 2010 Regular Legislative Session, the Juvenile Division was available to members of the Louisiana Legislature to answer questions about bills dealing with the presumption of indigence for juveniles, juvenile confessions, the use of mental health information in juvenile adjudications, and other juvenile law issues. Staff met with members of the House and Senate to provide information as requested. House Bill (HB) 663, dealing with juvenile confessions and providing a presumption of indigence for juveniles, and HB 702, giving defense attorneys 5-day notice in advance of juvenile mental health evaluations, were both signed into law by the Governor. HB 1106, which would have removed juvenile competency determinations to district court, was defeated in committee.

Staff participated in site visits to the 9th Judicial District on May 28, the 4th on June 11, the 5th on June 21, and the 1st on July 7, 2010. On June 18, the staff completed a follow-up visit to the 9th Judicial District. The Southeast Louisiana Regional Juvenile Defender Training was held in Houma on July 9, 2010. At the training, staff offered presentations on Legislative and Supreme Court updates and the use of school records in Delinquency Court. In the last several weeks, staff have also participated in the following: team leader meeting with the Juvenile Indigent Defense Action Network (JIDAN); two Juvenile Defender Advisory Committee (JDAC) meetings in Opelousas; Task Force for Legal Representation in Child in Need of Care Cases Subcommittee meeting; Louisiana Appellate Project CLE Seminar; Caseload Subcommittee meeting; District Defender Advisory Committee meeting; the BJA Assessment of the 14th Judicial District PDO; National Juvenile Defender Center conference call; OJJDP meeting; Children's Code Committee meeting; National Juvenile Justice Network Presentation; and post-Graham/Sullivan strategy conference calls.

Kristy Boxberger and Lynette Roberson attended the JIDAN Strategic Innovation Group (SIG) meeting in Chicago May 23 - 25, 2010. In addition to updating the plan for Louisiana's JIDAN, they were able to request sample screen shots of databases serving juveniles and gather ideas for use in the *Trial Court Performance Standards for Attorneys Representing Children in Delinquency Proceedings*.

Staff drafted the *Trial Court Performance Standards For Attorneys Representing Children in Delinquency Proceedings* for consideration and feedback by JDAC. Staff also assisted in the production of an LPDB collateral consequences handbook and will be submitting a Louisiana chapter to the ABA for its Juvenile Collateral Consequences document.

Staff also participated in the June 1, 2010 orientation on June 1 for the 2010 LPDB Summer Intern Program. Over the course of the summer, eight students (two from each in-state law

school) are participating in internships in the 41st Judicial District, Juvenile Regional Services, the 34th Judicial District, East Baton Rouge Juvenile Court, and the LPDB state office.

Finally, Clay Walker received an award for Leadership in Juvenile Justice Reform from the National Juvenile Justice Network, a national network of juvenile justice entities working to improve juvenile justice advocacy in all 50 states.

SPECIAL PROJECTS DIVISION

The Special Projects Advisor has continued to adjust, improve and upload new content to the LPDB website post-launch and is learning the customized LPDB website Content Management System so website maintenance can be done in-house. Since its launch on May 10, 2010, the LPDB website has received visits from more than 1800 unique users, looking at nearly 25,000 pages. The Special Projects Advisor also continues to publish the bi-monthly e-newsletter, now having released 14 issues to a growing number of defender staff.

The Special Projects Advisor has continued to communicate and support the Defender Services Programs in Orleans and Plaquemines. While LPDB's joint application (with OPD) for technical support from the Bronx Defenders was unsuccessful, Bronx Defenders Director Robin Steinberg is offering some more informal support to LPDB. Special Projects Advisor Hall has pursued the John R. Justice Grant Program by working with the State Public Defender and Executive Counsel to ensure that an appropriate agency is selected to administer the grant; has worked with the agency (the Louisiana Office of Student Financial Assistance) to develop their application to best serve public defenders, and has promoted the opportunity to the field while serving as the LPDB-identified point of contact for interested defenders.

The Special Projects Advisor has performed numerous tasks relating to successful Southeast Louisiana Regional Juvenile Training (in Houma in July 2010) and Capital Defender Training (in New Orleans in June 2010). She has also supported the development of the final stages of the 2010 LPDB Internship Program.

The Special Projects Advisor has creating a media contact list for improved outreach, created materials upon the request of the American Press (Lake Charles) and has drafted media materials related to the release of the 15th Judicial District report from NLADA, Clay Walker's Award from the National Juvenile Justice Network, and the resignation of defenders in the 15th and 20th Judicial Districts.

Finally, the Special Projects Advisor, with support from General Counsel, continues to advance implementation of the strategic plan, including its statutorily required posting; moderating the juvenile and investigator listservs; overseeing the creation and submission of a Collateral Consequences Guide for Defenders and Clients (with LJC, for release July 2010); and supporting

the Assistant Defender Advisory Counsel (ADAC) (whose next meeting is August 6, 2010 in Baton Rouge).

TECHNOLOGY DIVISION

The ITM team has produced an Invitation To Bid (ITB) with specifications for the new case management system (CMS) based on the six-month training and focus-group research tour we conducted from June to December, visiting 39 of the 42 districts. The new CMS project has been funded and is now moving through the state purchasing process. The next step involves the Division of Administration procurement support team who will ensure that purchasing regulations are adhered to, that the IT specs match state info-tech requirements and that the contract is legally sound. The review has not yet been scheduled.

The team also constructed a back-up online database in the event that the existing database vendor should refuse to sign a short-term contract extension. However, after much negotiation, with the help of General Counsel, the team secured an extension of the existing database contract. This will ensure seamless continuity during the transition to the new database. The extension contract will also allow ample time for district-level training and practice before the new database goes online.

ITM produced an analysis of the case-count variation among the several criminal justice agencies in Calcasieu Parish for the BJA consultant, concluding that the differences are mainly in the definitions of new cases, charges, and the exact time frames in which the cases were counted. ITM also produced a document elucidating the methodology behind the use of case value-adjustments for the Calcasieu press in order to explain in simple terms the complex nature of case counting.

ITM has also prepared the initial DAF calculations (as of 7/15/10) and applied the Board-approved DAF Adjustment Formula to withhold some funding from those districts which will accrue reserves. The re-routed funds will go to districts facing immediate insolvency. ITM is also maintaining the budget report files while LPDB searches for a new Budget Officer.

TRAINING DIVISION

The Capital Defender Training 2010 was held June 24-26, 2010 in New Orleans. Nineteen defense teams comprised of attorneys, investigators, and mitigation specialists attended the intensive, three-day, case consultation training led by national and state faculty members. The second Capital Defender Training will be held March 24-26, 2011 in Shreveport. The joint training workshop on mental retardation issues in capital cases is being developed and is tentatively planned for February 2011. The Training Division continues to collaborate with the Louisiana District Attorneys Association to plan the capital prosecutors training, also provided

under the BJA grant. This training is provided in substantial part with funds from the CCLI grant from the Bureau of Justice Assistance.

The three-part trial skills pilot project training has been completed, with Part III having been held June 19, 2010. This pilot project provided skills training to the attorneys in the 19th District Defender Office while also allowing the Training Division to work through various layers of details in preparation for the Defender Training Institute scheduled for September 12 – 18, 2010.

A Regional Juvenile Defender Training was held in Houma on July 9, 2010 with assistance from the National Juvenile Defender Center. Thirty-seven juvenile defenders attended and participated in presentations from Professor Joe Tulman and the Juvenile Division staff on critical issues relevant to juvenile delinquency and CINC representation. This was the last of four regional trainings provided by LPDB with support from NJDC.

The LPDB Internship Program 2010 kicked off with a successful day-long orientation at the LPDB office on June 1, 2010. All eight interns attended as well as supervising attorneys from the 19th Juvenile, 34th, and 41st District Offices. Following the nine-week program, the 2010 Internship Program will end with a debriefing session at the LPDB office on August 2, 2010.

Training Director Kilborn recently served on the faculty of the National Defender Training Project in Dayton, Ohio from June 3 – 9, 2010, and is scheduled to assist at the Southern Public Defender Training Center in Birmingham, Alabama from August 7 – 10, 2010.

Additional trainings currently under preparation include Investigators Workshop (July 19-20, 2010; Marksville); Defender Training Institute (September 12-18, 2010; Baton Rouge); Capital Certification Seminar (October 21-22, 2010; Lafayette); Daubert Workshop (November 18-19, 2010; Alexandria); Voir Dire Academy (January 7-8, 2011; location TBD); Juvenile Defender Workshop (January 7-8, 2011; location TBD).

OTHER BUSINESS

Senate Confirmations

The Senate confirmed the following Board members whose terms run from their respective dates of appointment: Mr. Addison Goff; Mr. Leo Hamilton; Reverend Dan Krutz; Ms. Luceia LeDoux; Ms. Christine Lipsey and Professor Pamela Metzger. On behalf of the entire staff, we appreciate your time and expertise and look forward to working with you in the years to come.

Calcasieu Update

The Bureau of Justice Assistance has completed its field visit for the Public Defenders Office Management Audit. We are expecting the report sometime in August. This management audit report is the product of one of the recommendations in the separate Case Flow Management Study which was requested by the judges.

At this time, the Public Defender has decided to continue taking cases to determine the effect of making the office full time. The matter will be revisited by the office in the fall.

Contracts

Throughout the month of July, General Counsel and other Executive Staff meet in two hour blocks of time with District Defenders who had questions regarding the Board approved contract. The meetings afforded all an opportunity for a valuable exchange of information between staff and each defender.

At this writing all but five districts have signed the district defender contract (the 3rd, 20th, 33rd, 36th and the 38th judicial districts have not signed). Both Richard Howell from the Felicianas (20th) and Ginger Vidrine from Cameron Parish (38th) have resigned. We are waiting to hear from Lewis Jones from Union and Lincoln Parishes (3rd), David Deshotels from Allen parish (33rd) and David Wallace from Beauregard Parish (36th).

David Balfour from Lafayette, Acadiana and Vermillion Parishes (15th) has signed a contract, but has tendered a letter of resignation effective September 1, 2010. Rhonda Covington is acting as interim District Defender in the 20th JDC. Ginger Vidrine's resignation is effective September 1, 2010.

Numerous District Defenders have requested raises in their salary and/or overhead. The Budget Committee will be reviewing these requests at its August 4, 2010 meeting in Baton Rouge.

Selection Committees for the 15th and 20th Judicial Districts have been appointed and are beginning their work.

Externship with LSU Law School

Last year, the Paul M. Hebert Law School contacted LPDB about taking on an extern who would work in our office eight hours a week for an entire semester. At the time of their initial request, staff had too many duties to take on devising a meaningful work plan for and supervising an extern. While we have the bulk of our work ahead of us, we now feel as though we can manage the added work and look forward to a semester of what we hope will be a valuable experience for the extern and LPDB. The extern will be named and in place by the time of the August Board meeting.

Sentencing Commission

By statute, the State Public Defender is a member of the Sentencing Commission, which was recently revived. The Statutory and Re-Entry Committees met for four hours on July 26, 2010. Four meetings are currently set for the month of August. The Commission is looking at every aspect of sentencing and pretrial dispositions. In its last incarnation, the Sentencing Commission's defense attorney appointees were Mr. James Boren and the Honorable Ginger Berrigan.

An August State Public Defender Report will be completed prior to the August 24th board meeting.